

**Priority question for written answer P-000753/2022
to the Commission**
Rule 138
Milan Zver (PPE)

Subject: Constitutional Court legitimises revolutionary partisan quasi-judiciary which justified the killing of political opponents during the second world war

The Slovenian Constitutional Court has rejected a constitutional appeal by Vida Svetek against the Supreme Court's decision not to allow a review of the 1943 conviction of her father, Viktor Habič, who was sentenced to death for alleged treason in a quasi-judicial trial before a partisan military court.

In so doing, the Constitutional Court legitimised the revolutionary partisan judiciary, which used such trials to justify the killing of political opponents.

In a dissenting opinion, judge Jaklič stated that Mr Habič's fundamental rights had been violated and that, in a democratic society, the appellant should succeed. The convicted person had no right of appeal and no right of defence, nor the right to an independent tribunal.

In the 1943 trial, judge T. Tominšek wrote: 'Lawyers are likely to be disturbed by the fact that none of our judgments cite a single legal rule on which our court has based its judgments. We found that such a formality was not necessary. These were such despicable acts, for which it is clear that the perpetrator deserves the most severe punishment. Therein lies the special greatness of the National Liberation Struggle and the people's revolution.'

I would therefore like to ask the Commission:

Does it intend to draw up recommendations for countries still confronting the consequences of the totalitarian past in their judicial systems, resulting in victims of unfair trials having to seek redress through international courts?